

ASAP Update

We're No. 1

If you don't know that the Charlottesville area was named the best place to live in the United States, then you need to get out more. *Cities Ranked and Rated*, a book written "for anyone thinking about relocating," ranked 403 metro areas in the United States and Canada.¹ The Charlottesville Metropolitan Statistical Area—Charlottesville, Albemarle, Fluvanna, and Greene—topped the list. Being the best place to live is definitely a good thing. However, having that fact publicized is not. As Lindsay Dorrier, an Albemarle County Supervisor, warned, "We better not brag too much though, because some more people might come here to live."²

One of the book's authors, Peter Sander, stated, "The best cities use public resources to control growth. ... They're careful about their growth patterns because they know that if they're not, they're in trouble."³ This is a paradox: a book written for people thinking about relocating ranks us number one, yet one of its authors warns that if we are not "careful" about growth, we are in trouble. Perhaps we should start being even more careful. ASAP, anyone?

ASAP Membership Renewals and Invitations to Join

You have probably received a letter asking you to renew your membership in ASAP or, if you're not yet a member, to join our organization. The more members we have, the more seriously elected officials will listen to us. And the more bountiful your tax-deductible contributions, the more effective will be our efforts to raise knowledge and awareness about local growth. Please support ASAP generously.

¹ Peter Sander and Bert Sperling, *Cities Ranked and Rated: More than 400 Metropolitan Areas Evaluated in the U.S. and Canada* (John Wiley & Sons, March 2004).

² John Yellig, "We're No. 1: City named best place to live," *The Daily Progress*, 31 March 2004, p. A7.

³ John Borgmeyer, "We rule! Those guys drool! Charlottesville tops best cities list," *C-ville Weekly*, 6 April 2004, p. 7.

Property "Rights"

By Rich Collins, Ph.D.

Dr. Collins is the Lewis Professor of Urban and Environmental Planning in the University of Virginia's School of Architecture, founder and Director of the School's Institute for Environmental Negotiation, and a member of ASAP's Board of Directors.

Many people believe the zoning that currently governs the use of their land is a *vested* right. Vested rights cannot be changed even if there is a good rationale for doing so. It *can* be difficult to reduce current zoning, but it is not as difficult as some believe.

Use of the term "rights" prejudices the Constitutional and legal choices that can and must be made in some planning situations. The language of "rights" is a major reason why it is difficult for ASAP to establish a rational dialog with growth advocates. As one legal scholar has stated, "Rights ... leave no room for *balance*, or for looking at it from everybody's point of view."⁴ Using the language of "property rights" is like bringing a nuke to a discussion; the discussion stops.

Virginia law is very explicit: zoning does **not** create a vested property right. Zoning *does* alter expectations, but expectations are not property rights. Nonetheless, if expectations are to be adjusted, then rational planning and zoning will require some compromise. But this process should be one of democratic decision making, not that of a property rights "trump" card thrown down on the table.

Also in This Issue

Population Growth and Land Use: Equal Roles in the Loss of Farmland and Natural Habitat	page 2
Does Growth Pay? American Farmland Trust's "Cost of Community Services" Studies	page 2
Albemarle County's ACE Funding	page 3
ASAP Hires Administrator	page 3
The "Real" Takings Issue	page 3

⁴ Phillip K. Howard, *Death of Common Sense: How Law Is Suffocating America* (Warner Books, 1996).

Population Growth and Land Use: Equal Roles in the Loss of Farmland and Natural Habitat

A 63-page analysis of Census Bureau data published by NumbersUSA reports that, over 20 years, the 100 largest urbanized areas in the United States sprawled out over an additional 9 million acres of “natural habitat, farmland, and other rural space.”⁵ Two factors contributed equally:

- Land-use and consumption choices that have led to an increase in the average amount of land consumed by each resident
- Population growth

The report concludes: “There are more of us, and each of us is using more urban land.”

The authors drew several additional conclusions:

- “Anyone advocating U.S. population stabilization who derides the importance of [land] consumption and [land use] planning controls is ignoring half the story of American sprawl.”
- “Similarly, any Smart Growth advocate who relegates population growth to a side issue is turning a blind eye to half the problem and, thus, approximately half the solution, which is population stabilization.”
- “Although the circumstances of each city are different, the power of both sprawl factors is potentially the same in each. Every city that wishes to restrain its land expansion will need to continually keep in mind the impacts on sprawl of both growth factors.”
- “The forces driving overall national population growth cannot be ignored as contributors to sprawl, since national population growth manifests itself as growth in local communities.”

Of the two factors, population growth is most often ignored. “[A literature search] found that media stories, advocacy programs, governmental reports and plans, and political statements about controlling sprawl rarely suggested that substantially reducing population growth is a necessary anti-sprawl tool.”

NumbersUSA is an organization that advocates immigration reduction. More information is available at its website: <http://www.numbersusa.com>.

⁵ Leon Kolankiewicz and Roy Beck, *Weighing Sprawl Factors in Large U.S. Cities: A report on the nearly equal roles played by population growth and land use choices in the loss of farmland and natural habitat to urbanization* (NumbersUSA, 19 March 2001): 7-8.

Does Growth Pay? American Farmland Trust’s “Cost of Community Services” Studies

The Cost of Community Services (COCS) studies, sponsored by the American Farmland Trust, measure whether **residential, commercial/industrial, and open/agricultural/forestral** land-uses *cost* more than they pay in taxes, or *contribute* more than they cost.⁶ The American Farmland Trust has conducted the studies in almost 100 communities. It started them in the mid-1980s to address—and ultimately refute—three myths:

- Open lands are an interim land use that should be developed to their “highest and best use.”
- Agricultural land gets an unfair tax break when it is assessed at its current use value for farming or forestry (“land use” in Albemarle County) instead of at its potential use value for residential or commercial development.
- Residential development will lower property taxes by increasing the tax base.

COCS studies show that, on average, **commercial/industrial** land uses cost **27 cents** for each dollar of tax revenue they contribute. **Agricultural/forestral** (or “working”) land uses and **open space** cost **36 cents** for each tax dollar paid. And **residential** use costs **\$1.16** for each dollar of tax revenue collected. Using this data, the American Farmland Trust concludes, “COCS studies show that agricultural land is similar to other commercial and industrial land uses.”

Not so fast! There *is* one major difference. Working or open space does not *attract* residents. New commercial and industrial uses *do*, unless the unemployment rate is relatively high and the new company does, in fact, hire locals. But studies show that, in the long run, *new* residents usually absorb 60% to 90% of new jobs.⁷ Those new residents cost more than they contribute. When that is factored in, it’s pretty clear that the most tax-friendly land use is working/open space.

⁶ American Farmland Trust’s Farmland Information Center, *Fact Sheet: Cost of Community Services Studies*, November 2002. See <http://www.farmlandinfo.org>.

⁷ Timothy J. Bartik, “Who Benefits from Local Job Growth, Migrants or the Original Residents?” *Regional Studies* 27 (1993): 297-311.

Albemarle County Supervisors Increase ACE Funding

On March 22nd, the Albemarle County Board of Supervisors increased funding for the Acquisition of Conservation Easements (ACE) program by \$650,000. Funds for the upcoming fiscal year now total \$1 million. Last month's issue of the *ASAP Update* encouraged the Board to fully fund ACE. However, since the Board took action as the April issue was going to press, we cannot take any credit for the additional funds. We commend the Board for its decision.

However, only \$350,000 per year is allocated *beyond* FY04-05. Next year, like this year—and like last year—citizens will have to spend time lobbying the Board to fund a program that nearly everyone supports. Let's repeat what we said last month: perhaps it is time for the Board to seek dedicated funding for ACE, just as Virginia Beach has done.

Jack Marshall, ASAP's President, made the following points at an April 7th public meeting on the budget:

The ACE program is one of only a very few mechanisms employed in Albemarle County to conserve rural areas and manage population growth. Moreover, ACE is a good investment. As Forrest Marshall said as the program was being implemented, every dollar spent on ACE will save money in the long run. ... We need to maintain support of ACE at \$1 million a year. ACE will work only if support is significant and consistent from year to year. ... By fully supporting the ACE program, you are looking not just at the next 52 weeks of the fiscal year, but at the next 50 years.

ASAP Hires Administrator

Andy Wright began work as ASAP's new administrator on April 14th. As administrator (his exact job title has yet to be determined), Andy will help oversee members who wish to volunteer; assist in organizing monthly meetings and our annual conference (scheduled this year for October 2); explore fund-raising options; facilitate communication with our members, local opinion leaders, and the community; and work with ASAP's President, Executive Committee, and Board of Directors on other projects. For the past 20 years, Andy, a professional geologist, has helped companies remediate hazardous waste sites and deal with the costs of environmental damage. Andy resigned from ASAP's Board to accept this new role.

The "Real" Takings Issue

Wendell Berry, writing about the environmental crisis—pollution, species extinction, and the loss of wilderness, farmland, and topsoil—warns:

The human household or economy is in conflict at almost every point with the household of nature. ... We have assumed increasingly ... that nature is merely a supply of "raw materials," and that we may safely possess those materials merely by **taking** them. This taking, as our technical means have increased, has involved always less reverence or respect, less gratitude, less local knowledge, and less skill. Our methodologies of land use ... have come more and more to resemble the methodology of mining.⁸

Funding the Crozet Master Planning Process

This is an excerpt from Jack Marshall's April 7th statement to the Albemarle County Board of Supervisors.

The Crozet growth area is already beginning to expand at a rapid clip, and ... is projected to grow from the current population of 3,000 to 12,000. It is simply unacceptable to allow this growth—much less to encourage it—without funding the necessary infrastructure. Adequate public facilities, from roads and sidewalks to schools and libraries,

must be in place *before*—not after—the population expands. A backlash is starting in Crozet about its designation as a growth area, with a growing number of residents concluding that the county is welshing on its part of the deal. We in ASAP believe you have the obligation either to fully fund the infrastructure costs appropriate for the pace of growth agreed to in the Master Plan, or to significantly slow the proposed pace of growth so it does not outstrip the public facilities necessary to maintain the quality of life in Crozet.

ASAP Board of Directors

Jack Marshall, *President*
Al Weed, *Vice President*
Elizabeth Burdash, *Secy.*
Geoffrey Mattocks, *Treas.*
Diana Abbott
Gib Akin
Richard Clyde Collins
Whitman Cross, II
Nick Evans
Francis Fife
Pam Fitzgerald
John Hermsmeier
Harry Levins
Tom Loach
Ann Mallek
Marvin (Bud) Moss
Carleton Ray
Diane Ritter
Peggy Thome

⁸ Wendell Berry, "The Idea of a Local Economy," *Orion* 20, no. 1 (Winter 2001): 28-37.

Upcoming ASAP Meetings and Other Noteworthy Events

April 29 and May 1 – Broadcast of **What Price Growth? A VIRGINIA CURRENTS Special** on WHTJ Charlottesville PBS at 8:00 p.m. on April 29 and 5:30 p.m. on May 1.

May 6 – **Membership meeting**, 7:30 p.m., Westminster Presbyterian Church Library, 190 Rugby Road. Topic: **Albemarle County Growth Areas: Their Past, Present, and Future.** What does it mean to be a "Growth Area" in Albemarle County? How were/are such areas determined? How and why did Earlysville, North Garden, Ivy, and Stony Point withdraw from their designations as Growth Areas? Could—and should—Crozet pull out? Is Scottsville destined to become a Growth Area? Speakers: **David Benish**, Chief of Planning for Albemarle County; **Tom Loach**, Past President of the Crozet Community Association and the Albemarle Neighborhood Association; and **Rich Collins**, Director of the

University of Virginia's Institute for Environmental Negotiation.

May 20 – **Board meeting**, 8:00 a.m., Room 235, Albemarle County Office Building – members welcome.

June 3 – **Membership meeting**, 7:30 p.m., Westminster Presbyterian Church Library, 190 Rugby Road. Topic to be announced.

June 17 – **Board meeting**, 8:00 a.m., Room 235, Albemarle County Office Building – members welcome.

July – **NO membership meeting.**

August 5 – **Membership meeting**, 7:30 p.m.

September 2 – **Membership meeting**, 7:30 p.m.

October 2 – ASAP's 3rd Annual Conference

ASAP is a non-profit corporation organized under Section 501(c)(3) of the Internal Revenue Code. Its **mission** is to increase knowledge and awareness about the effects of net population growth on our natural environment and quality of life, and to advocate appropriate policies and mechanisms that will enable our region to reach a sustainable population size. To achieve this, ASAP will engage in research, community education, policy development, and advocacy. ASAP publishes this **newsletter** monthly except for combined January-February and June-July issues. Submit editorial comments to the newsletter's editor, Harry Levins, at harry@harrydale.com. Articles may be reprinted or excerpted with attribution. To become a member of ASAP and/or to receive this newsletter and a notice of ASAP events, contact crijack@cville.net.



3570 Brinnington Road
Charlottesville, VA 22901

Phone: 434-974-6390
Fax: 434-974-4924

www.stopgrowthASAP.org